

UNITED STATES BANKRUPTCY COURT  
SOUTHERN DISTRICT OF INDIANA  
NEW ALBANY DIVISION

In Re:	}	Case No. 17-90830-BHL-13
BRENDA C. MILLER	}	
AKA BRENDA MILLER	}	
Debtor	}	

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**MOTION TO APPROVE FINAL MODIFICATION AGREEMENT WITH DITECH  
FINANCIAL, LLC**

The Debtor requests the entry of an order approving the final modification agreement between the Debtor and Ditech Financial, LLC (the "Creditor"), and in support states:

1. On September 15, 2017, the Court referred the Debtor and the Creditor to loss mitigation mediation [Doc. 21].

2. The Debtor has completed a three month Trial Period Plan with Ditech Financial, LLC which requires 3 trial period payments of \$697.24 per month commencing on January 1, 2018 thru March 1, 2018. The final Modification terms require *inter alia*, monthly payments in the amount of \$652.46 (\$300.92 for principal and interest and \$351.54 per month escrowed for homeowners insurance and property taxes which may adjust periodically) commencing on May 1, 2018 during a loan term of 480 months. The unpaid principal balance of the note is \$94,669.97 which includes all past due interest, eligible servicing expenses, taxes and insurance totaling \$12,956.85. Unpaid late fees are not included in this amount and will be waived when the modification is finalized. The lender will defer the repayment of \$22,669.97 in principal to the end of the clients account term which does not accrue interest or require any monthly installment payments until the earlier of the following: (i) the debtor transfers an

interest in the property, (ii) the debtor refinances the property, (iii) the debtor sells the home, or (iv) at the maturity date. The remaining unpaid principal balance in the amount of \$72,000.00 will be amortized over 480 months at an interest rate of 4.00% annually. The yearly interest rate will remain in effect until the principal and interest are paid in full. The modified maturity date is April 1, 2058. The subject modification cures all arrearages in regard to the subject claim.

3. The unpaid principal balance prior to the modification was \$93,722.89 at an interest rate of 4.625% annually. The maturity date prior to the modification was September 1, 2033. The monthly mortgage payments prior to the modification were \$676.42 per month. The pre-petition arrearages at the time the subject case was filed were \$13,749.42.

4. The loss mitigation mediator has filed her final report which states that the parties have reached a settlement.

5. Pursuant to General Order 16-0002 granted by the Court, the Debtor proposes to deliver an additional Trial Period Payment of \$697.24 due April 1, 2018 and then aforementioned conduit installment payments in the amount of \$652.46 per month commencing May 1, 2018 to the Chapter 13 Trustee. The Debtor requests the Court to direct the Chapter 13 Trustee to disburse the conduit mortgage payments to:

**Ditech Financial, LLC**

**P.O. Box 0049**

**Palatine, Illinois 60055-0049**

6. The Debtor requests the Court to Order that the installment

payments delivered pursuant to the Final Modification Agreement shall be deemed to be received by the Creditor when the conduit payments are received from the Chapter 13 Trustee.

WHEREFORE, the Debtor prays for an order (i) approving the Final Modification Agreement, (ii) directing the Chapter 13 Trustee to deliver conduit installment payments, (iii) providing that conduit installment payments shall be deemed to be received by the Creditor when the funds are received from the Chapter 13 Trustee, and for all other appropriate relief.

Respectfully,

**KOEHLER LAW OFFICE**

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## **CERTIFICATE OF SERVICE**

On May 10, 2018, I filed this document electronically. A copy of the foregoing will be sent via the Court's CM/ECF system to the following:

Joseph M. Black, Jr., Standing Trustee: [jmbecf@trustee13.com](mailto:jmbecf@trustee13.com)

U.S. Trustee: [ustpreion10.in.ecf@usdoj.gov](mailto:ustpreion10.in.ecf@usdoj.gov)

S. Brent Potter, Counsel for Ditech Financial, LLC: [bankruptcy@doylelegal.com](mailto:bankruptcy@doylelegal.com)

A copy of the foregoing was sent via first-class U.S. mail to the following:

Ditech Financial, LLC, P.O. Box 6154, Rapid City, South Dakota 57709-6154

Brenda Miller, 5670 W. State Road 250, Paris Crossing, IN 47270

/s/ Lloyd E. Koehler  
Lloyd E. Koehler